

SENATE FINANCE & CLAIMS

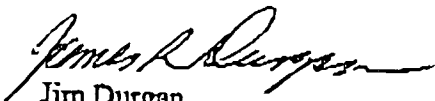
Exhibit No. 5Date 3-4-11*TO THE SENATE AG COMMITTEE:*

Jim and DccAnn Durgan own and operate a cattle ranch in Paradise Valley south of Livingston, Montana. We run a cow/calf operation on a combination of owned, leased and state land near the Yellowstone River. We support PRAHD and its efforts to educate the public and keep the cattle industry a viable business in all the counties affected by the D.S.A. Rule. We raise and market high quality livestock and have for decades.

However, we cannot continue to operate under the stigma that has been placed on us as a result of the proximity of diseased wildlife over which we producers have no control.

Therefore, we request that the committee vote in favor of SB237. Passage of this bill will help to address ranchers concerns about diseased wildlife spreading brucellosis

throughout this area of Montana, and will require the Department of Livestock and Fish Wildlife and Parks to work together to resolve their differences and coordinate a mutual campaign against this disease.



Jim Durgan
Livingston, Montana

January 27, 2011

I am writing to ask you to vote **For** SB 237.

Livestock producers in the DSA have tested thousands cattle since Montana lost it brucellosis free status. Since that time **NO** cattle have tested positive. This testing is an enormous burden financially forcing producers to bare the costs and market stigma in perpetuity hurts county economy as higher testing (due to vaccines, tests, additional labor, lower cattle prices) means a smaller profit margins. SB 237 allows ranchers to keep profit, spend it locally, and keep hired help. This in turn means more families staying in the area to help support the local economy.

This Bill addresses a potential public health issue by addressing diseased wildlife. Diseased wildlife continues to spread brucellosis throughout the Greater Yellowstone Area, creating a constant threat to livestock and a potential disease threat to humans. This bill requires the Department of Livestock and fish wildlife and parks to coordinate efforts that mitigate against the disease.

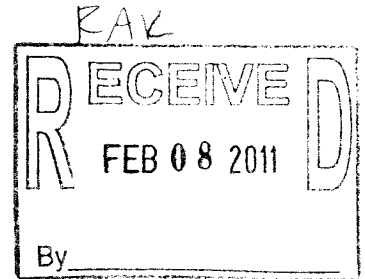
Please help us to preserve community composition-Keeping ranchers in the community, preserving open space, and maintaining rural culture.

We hope to have your support in this matter. Thank you for your time.

Sincerely,

Jamie Lannen
Park County Stockgrowers President
243 Rock Creek Road N,
Clyde Park, 59018
phone 686-4214

February 7, 2011



To: Montana Senate Agricultural, Livestock and Irrigation Committee

From: Allen Martinell, President
Lee Martinell Co.
P.O. Box 240077
Dell, MT 59724

Please vote in favor of SB 237.

Reason: This bill gives direction to solving the brucellosis problem. The brucellosis problem at the present time is not prevalent in livestock. However, the threat of infection is always present because of the know occurrence in elk and bison. This problem increases our operation costs for labor, vaccine, facilities and increased stress on the cattle.

When our bottom line is less, we spend less or go out of business. In the past few years we have lost a lot of our ranching neighbors because of increased costs. These smaller ranches have become part of land owned by large mega ranches, The Nature Conservancy and the Red Rock Lakes Wildlife Refuge. Keep in mind that these land holders require less goods and services from local businesses. They also hire fewer people which affect our schools and local governments.

The bill also addresses a public health issue. There is never much said in all the rhetoric about brucellosis or Undulant Fever in humans. By allowing its existence in wildlife to spread there is always the threat of infecting humans through contact with diseased wildlife.

This bill also contains a "sunset" provision that would protect ranchers from facing these added burdens continually.

Thank you for considering my concerns.

Allen C. Martinell

SCANNED

Senate Ag Committee

I am writing in support of Bill SB 237.

As a resident living in the designation area and also a Realtor working in and around the Livingston and Big Timber areas I see on a daily basis the blood, sweat, and effort that our local Producers invest into their operations, many of which are 2nd and 3rd generation farmers and ranchers. SB 237 provides relief to the Producers by alleviating the costs associated with testing for brucellosis.

As a professional Realtor I can foresee the writing on the wall if the Producers are forced to bear the financial burden of testing. The demographics of this farming and ranching community would change dramatically if even a small percentage of their operations ceased to exist. The financial repercussions would be felt in a myriad of ways from those who provide the basic necessities of fuel and repairs to the Producers, to those who depend on the beauty of our open spaces to promote tourism.

Inevitably when an operation is faced with escalating costs and declining income their last resort is to sell out. If we were to see ranches being sold and split into smaller pieces for residential uses in the Paradise Valley and surrounding areas the market would be in for another hit that no one can afford to see happen.

We need to preserve the characteristics that make Montana the Last Best Place and that includes retaining our farming and ranching heritage.

Thank you

Jane M Tecca
Realtor
Montana Broker Properties LLC
126 S 2nd St
Livingston Mt, 59047
(406) 223-0453 cell
(406) 222-0553 office
(406) 222-5837 fax

NICK JERKE

486Basin Creek RD
P.O Box 15
Volborg MT 59351
Phone (406)4215496
C9cattleco@hotmail..com

2/4/2011

Dear Friend,

I am sending this letter in SUPPORT of SB 0237. This is a excellent Bill in my opinion. As livestock producers ourselves, it is only fair that everybody should have to play by the same rules. The current policy with FWP's lack of management, not only threatens, but endangers ranching as our way of life.

**Sincerely,
Nick Jerke
Signature**

2/4/11

I'm Sky Anderson, writing on behalf of my family who has a ranch in Park County, and the MT Farm Bureau Federation where I am a State Director.

I am asking for your support of SB 237 as I believe this bill goes a long way toward addressing the brucellosis issues we have in the state of MT. We can all agree that the very best goal is total eradication of the disease but also realize that is a long way down the road. This bill will help set the stage to coordinate the various departments and further enable them to enforce the statute already in the books.

We believe that since the brucellosis disease is harbored in PUBLIC wildlife, the PUBLIC agencies should ultimately be responsible for cleaning up the wildlife herds. This has become a PRIVATE PROPERTY RIGHTS issue where the livestock owners have had to contend with the Fish Wildlife and Parks mismanagement of PUBLIC wildlife.

Your support of SB 237 will ensure that local livestock protective committees are included in the order or rule and that there will be public hearings regarding changes in the surveillance area.

Thank you for your time.

Sky Anderson
1067 HWY 89 N
Livingston, MT 59047
406.220.4462

O'HAIR RANCH COMPANY
P.O. BOX 955
LIVINGSTON, MT 59047

January 30, 2011

Dear Senate Agriculture Committee:

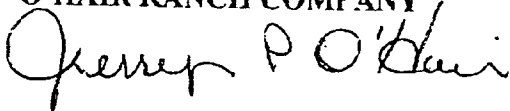
O'Hair Ranch Co. is a family cattle operation in Paradise Valley, South of Livingston, Montana, for over 130 years. Also an outfitting business is conducted by a family member. The ranch supports a 500 + herd of elk and numerous other wildlife species year long.

We support LC 1861 because the bill would give some sort of stability and rules in which the manner that the threat of the brucellosis disease issue would be addressed. As it is now stands, the rules become moving targets, changed on a daily basis, without any input from affected livestock producers.

We need a coordinated effort by the Department of Livestock and particularly the Fish, Wildlife and Parks to eliminate the risk of Brucellosis to the livestock industry, wildlife, and the threat to human health.

Thank you for your consideration

O'HAIR RANCH COMPANY

A handwritten signature in black ink, appearing to read "Jerry P. O'Hair", written over the printed name.

Jerry P. O'Hair
President

January 31, 2011

Senate Agricultural Committee:

Dear Committee Members,

I would like to ask for your support for Senate Bill 237, a bill that provides clear guidelines on how and when brucellosis testing and surveillance areas should be implemented in the State of Montana. This bill addresses several important issues to Livestock Producers and area residents, specifically:

- It creates "Sunset" provisions that relieves the financial burden on producers that must bear the cost of testing including vaccines, test, labor and a market stigma that results in lower prices for area cattle.
- It addresses a potential public health issue by addressing wildlife disease in the Greater Yellowstone Area, requiring governmental agencies to coordinate efforts towards mitigation against the disease in area wildlife.
- It helps preserve community composition, keeping ranching and agriculture in the area, preserving open space and maintaining the rural culture.

I cannot stress enough how important it is that we provide a fair and effective framework for dealing with the spread of disease in wildlife to cattle and/or humans and that this bill is a positive step towards accomplishing that goal.

Thank you for your consideration and "yes" vote on this bill.

Sincerely,

David Molebash

130 Bridger Hollow Rd
Pray, MT 59065

**David & Janice Bowman
Bowman Ranch**

▶ **Montana Senate Agriculture, Livestock,
and Irrigation Committee**

Helena, MT 59627

P.O. Box 87
Pray, MT 59065
Phone: (406) 333-4001

To Whom It May Concern,

Since 1992, we have owned and operated a commercial cow/calf ranch at Pray, MT, which is in the Designated Surveillance Area for Brucellosis. We would like you to vote for Senate Bill 237.

Senate Bill 237 will create "sunset" provisions and help to relieve the financial burden on livestock producers. Forcing additional costs and market stigma in perpetuity will hurt the Park county economy as higher testing costs (due to vaccines, tests, additional labor, and lower cattle prices) will mean smaller profit margins. Senate Bill 237 will allow ranchers to keep profit, spend it locally, and keep hired help. Senate Bill 237 will help to support businesses that are dependent on ranching, such as implement dealers, trucking companies, and ranch supply businesses. Senate Bill 237 addresses a potential public health issue by addressing diseased wildlife. Diseased wildlife continue to spread brucellosis throughout the Greater Yellowstone Area, creating a constant threat to livestock and a potential disease threat to humans. This bill requires the Departments of Livestock and Fish, Wildlife and Parks to coordinate efforts that mitigate against the disease. In conclusion, Senate Bill 237 helps to preserve community composition by keeping ranchers in the community, preserving open space, and maintaining rural culture.

Please vote for Senate Bill 237.

Thank you for your attention.
Sincerely,

David & Janice Bowman

1/30/2011

January 28, 2011

Dear Senate Ag Committee,

I am writing to request your support of SB 237. As a livestock producer in the Greater Yellowstone Area the continued pressure of diseased wildlife is forcing our family owned business to question our viability. For the last three years livestock producers have been regulated on a scale of very severe to less severe. It has created significant hardships and financial strain.

Consider this: Over the last two and a half years the state of Montana has tested well over 250,000 cattle and not found one diseased animal; yet, the seroprevalence in the elk and bison increases without any attempt to decrease or manage that seroprevalence. Livestock producers continue to manage their cattle to prevent disease, using vaccination, testing, and spatial separation from wildlife.

Livestock producers cannot continue to bear the sole responsibility for the disease of brucellosis. We need help. SB 237 requires DOL and FWP to coordinate a seroprevalence reduction plan. Livestock producers cannot live in a regulated area in perpetuity. Family owned ranching operations need to know that their financial future is stable.

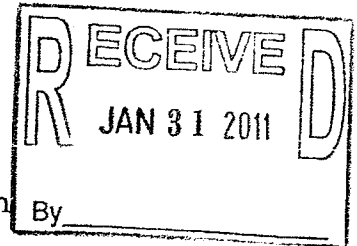
Livestock producers add dollars to their communities. Other businesses will suffer if we no longer exist. The open space we all enjoy and the rural culture of our communities will be destroyed.

Please support SB 237. Thank you.

Sincerely,

Druska Kinkie
769 East River Road
Pray, MT 59065
333-4345

January 27, 2011



Esteemed Members of the Agriculture, Livestock, and Irrigation Committee,

My name is Roger Nelson. I own and operate Nelson's Spring Creek Ranch in Paradise Valley, near Livingston. As a lifelong cattle rancher and the manager of the Park County Rancher's Marketing Association, I feel it important to provide my perspective as one who derives a livelihood through the practice of agriculture in the DSA area. I market a large percentage of the cattle sold each year in this area and believe in the importance of LC 1861. The bill has several features that I believe will protect local ranchers from unfair economic burdens and ensure their continued viability in the local economy. The "sunset" provision mentioned in the bill is a matter of common sense. Creation of a DSA as a permanent entity in any area would be an economic disaster for the ranchers affected and the local businesses that depend on their support. Now more than ever it is important for we in Montana to preserve and protect our open spaces. Keeping Montana farms and ranches vibrant and viable is the best and most economically sound way of doing this.

Another reason for my support for this bill is the way in which it addresses diseased wildlife and how they affect the DSA. One cannot address the problem of brucellosis, nor hope to bring it under control, without including effective management of diseased wildlife populations within the area. The departments of Fish and Wildlife, and the Board of Livestock, as representatives of Montana's agricultural community, simply must work together on this issue for the good of all concerned.

Once again, I urge you to vote for LC 1861. Montana ranches are part of the history and legacy that have made our state "The Last Best Place." Along with wildlife, they deserve a spot in its future.

Respectfully,

Roger Nelson
Park County Rancher's Marketing Association
101 Nelson's Spring Creek Road
Livingston, MT. 59047

January 27, 2011

Honorable members of the Montana Legislative Ag Committee,

The Madison Valley Ranchlands Group is a non-profit organization with a goal of keeping ranching sustainable. We promote collaborative participation in our community in addressing issues that could be detrimental to the future of the ranching industry. Keeping ranching sustainable in a volatile economy has always been challenging. If ranching can stay viable in a community it tends to promote the overall economic, social and ecological well being for everyone else.

We are extremely concerned about the brucellosis situation in the wildlife in our area. We have been meeting with DOL and APHIS folks for the past 4 or 5 years to find solutions that will be equitable and also address the long term big picture.

We are very interested in LC 1861. We would like to see you support this legislation so we can see some light at the end of the tunnel regarding the management of wildlife and brucellosis. It is critical that a solution is enacted that allows livestock producers to stay profitable while DOL and MFWP get a handle on how to appropriately mitigate brucellosis in wildlife. We have been very successful at mitigating the disease in domestic livestock.

It appears to us that LC 1861 was crafted by those in the livestock industry that understand the ramifications of legislation and agency limitations. This is a common sense approach to an economic burden that needs to be corrected. Communities in southwest Montana cannot afford to have a protracted process with no end in sight for managing brucellosis in livestock. The problem is a wildlife management issue and has public health implications if not resolved appropriately.

Sincerely,

**Lane Adamson, Project Director
Madison Valley Ranchlands Group
PO Box 330
Ennis, Montana 59729
1-406-682-3259**

Dear Senate Ag Committee,

I am a retired banker with a long standing relationship with the agricultural community in Park County. I have followed the brucellosis problem from the beginning and I understand the emotional and financial burden this is having on our livestock producers in the surveillance area.

Livestock producers manage their herds to prevent disease with vaccination programs and separation from wildlife. Over 250,000 cattle have been tested in the last two and one half years and not one diseased animal has been found. The producers are doing their part but this is not going to solve the problem.

In the event of a brucellosis outbreak, this bill addresses the creation of a surveillance area and also requires the state veterinarian to address the source of the disease. It also requires the Department of Livestock and Fish, Wildlife and Parks to coordinate efforts to manage the disease. The management of the disease will not only reduce the risk of brucellosis in cattle but will reduce the potential of a public health issue.

This bill establishes a procedure for sunseting the surveillance area within one year of the last case of brucellosis. This provision will relieve the financial burden and the stigma of operating in a surveillance area. It is important that our cattle producers know their operation will not be regulated in perpetuity.

Ranching is vital to our local communities. Ranching maintains our rural culture. Ranching is Montana.

Please vote YES for SB 237

Thank you for your support.

Harold Stewart Jr.
406 West Summit St.
Livingston, MT 59047

Rick Gibson
Box 966
Livingston, MT 59047

SB237

Members of Senate Ag Committee:

I am a cattle producer whose operation is based in the DSA south of interstate 90 in Park County. Half of my cattle must leave the DSA every spring to summer on pasture north of I-90. I must test the cattle leaving the DSA every year per terms of my herd plan with the Dept. of Livestock. I am very thankful the tax payers of Montana are willing to pay my testing costs. I couldn't continue to operate if I had to pay them.

I understand the purpose for the DSA but I am concerned nothing will be done to eliminate it or change it. Plans must be put in place to address the issue of diseased wildlife infecting livestock.

Please vote yes on SB237. I support it for the following reasons.

- >Requires state agencies to address source of disease. (Wildlife or livestock)
- >Provides a process for creating a DSA in Montana.
- >Clarifies which department pays for livestock testing costs.
- >Defines a process for removing or changing the size of the DSA based on data from FWP or DOL.
- >Provides for public process prior to creating a DSA.

Thank you for serving your state.

Rick Gibson

Dear Senate Ag Committee,

My name is Meagan Lannan, as a Park County resident, I am writing to you in support of passing SB 237. I strongly urge you to pass this bill. Here are some reasons why voting in favor of this bill is important to Park County. I believe that passing this bill allows ranchers to keep profit, spend it locally, and keep hired help. Voting yes for this bill also supports businesses that are dependent on ranching, such as implement dealers, trucking companies, and ranch supply stores.

I feel that the cattle producing business in Park County must be sustained not only for reasons of tradition, but also as an action of commitment to longstanding ranching families in the county that have served this community with quality, passion, and a dedicated history to our legacy as Montanan ranchers. I believe that passing this bill will preserve this community and keep ranchers in the community while also preserving open space and maintaining our rural culture. This bill also provides that the Department of Livestock and Fish, Wildlife and Parks to coordinate efforts that mitigate against brucellosis. The Department of Livestock and Fish, Wildlife and Parks must monitor and address brucellosis in diseased wildlife.

Please acknowledge my support and the importance of passing SB 237 as a Park County resident. I was born and raised in Montana and as a state we need to work hard to protect our heritage and ranchers are what this state was founded on...hard work, integrity, pride, and an honest days work. I am asking you to envelop these same traits as you vote to support this bill.

Thank you for your time and consideration.

Sincerely,

Meagan Lannan
1018 River Drive
Livingston, MT 59047
jebtrout@gmail.com
406-570-1116